



PATENT
Attorney Docket No.: 53470.003038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/883,500 Confirmation No.: 8989
Applicant : L. Douglas Everhart, et al.
Filed : June 7, 2004
Title : Report System And Method Using Prompt In Prompt Objects
TC/Art Unit : 2178
Examiner: : Kyle R. STORK

Docket No. : 53470.003038
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Pursuant to the Pre-Appeal Brief Conference Pilot Program announced in the Official Gazette, Applicants hereby request a pre-appeal brief conference in the above-referenced case.

This application is appropriate for a pre-appeal brief conference. A brief history of this application and why applicants believe that an appeal will succeed are set forth below.

This application was filed over four years ago on June 20, 2001. In late 2004, an initial Office Action was issued, rejecting all 20 claims based on a patent owned by the same assignee of the above-referenced patent under 35 U.S.C. § 102(e). Applicants note, that under 35 U.S.C. § 103(c), a rejection based on that patent would be improper and thus, the Office attempts to assert that every feature of all 20 claims is disclosed in applicant's own prior patent.

Despite a clarifying amendment and clear statements explaining why its own prior patent failed to expressly disclose the claims, the Office continues to put forward a rejection that is

almost certain to be overturned on appeal. Rather than further time being spent addressing this reference, applicants have elected to pursue the new pilot program.

As set forth in greater detail in applicants' Response dated March 17, 2005, the Yost patent fails to disclose a prompt object as claimed and defined by applicants in the application and in the response.

For these reasons, applicants request an appeal conference be convened to advise applicants whether the Office will 1) allow the present claims, 2) reopen prosecution and issue a new office action or 3) allow this case to proceed to appeal.

Respectfully submitted,



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